

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Docket. No. 19 Cr. 003 (JGK)

- against -

CALVIN BURNETT,

Defendant.

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**MOTION FOR BAIL MODIFICATION** (*LETTER*)

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STEVEN Z. LEGON

*Of Counsel*

July 10, 2020

BY EMAIL TO CHAMBERS

Hon. John G. Koeltl  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Application granted.  
SO ORDERED.

New York, NY /s/ John G. Koeltl  
July 10, 2020 John G. Koeltl, U.S.D.J.

Re: ***United States v. Calvin Burnett***, Docket No. 19 Cr. 003 (JGK)

Dear Judge Koeltl:

This letter has been submitted as a request for a modification of the conditions of release for Calvin Burnett. This application is made upon the recommendation of Pretrial Services and without objection by the government.

On Thursday, July 9, 2020, Ashley L. Comse, Intensive Supervision Officer, U. S. Pretrial Services informed both the government and defense counsel of an urgent need to modify a condition of Mr. Burnett's release on bail. On July 8, 2020, Calvin Burnett's treating physician at the Albany Associates in Cardiology recommended the removal of the ankle monitor device as a result of his deteriorating coronary condition. The location monitor is severely constricting Calvin Burnett's necessary blood flow to his heart, which is exacerbating his fragile coronary condition. Pretrial Services has endorsed the recommendation of Albany Associates in Cardiology, and the government has no objection to the removal of the monitor. See, attached email from Pretrial Services dated July 9, 2020.

As a result of the foregoing, it is requested that the court grant Calvin Burnett's application, based upon the recommendation of Pretrial Services for a modification of his conditions of release on bail as follows:

(1) That the defendant's restriction on home confinement shall continue as previously modified. However, the curfew shall no longer be enforced by a location monitor. The prior condition of curfew enforced by location monitoring is hereby removed, and that

(2) "All other conditions of release on bail set by this court on August 1, 2019 (as amended) are to remain the same and in full force and effect."

As stated above, A.U.S.A. Michael Krouse has been informed of the medical need for the above modification, and has stated that the government has no objection to the removal of the location monitor.

Mr. Burnett continues to reside in Albany, New York under the restrictive conditions and monitoring by Pre-trial Services., and continues to receive medical care and treatment for his chronic history of congestive heart failure, coronary artery failure, and atrial fibrillation, and also receives counseling to address his chronic history of narcotics abuse.

Thank you.

Respectfully submitted,

*Anthony L. Ricco*

Anthony L. Ricco

ALR/jh

cc: A.U.S.A. Michael Krouse (By email)  
S.D.N.Y. U.S. Pretrial Services Office  
Ashley L. Cosme (By email)  
S.D.N.Y. LM Admin Asst.  
Izlia Sanchez (By email)

**From:** Ashley\_Cosme@nyspt.uscourts.gov,  
**To:** Michael.Krouse@usdoj.gov, Tonyricco@aol.com,  
**Cc:** Izlia\_Sanchez@nyspt.uscourts.gov,  
**Subject:** Calvin Burnett  
**Date:** Thu, Jul 9, 2020 10:13 am

**Attachments:**

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Hello all,

This email is to inform of Mr. Burnett's medical status.

I received a call from Northern District of NY USPO Kendra Rennie advising that Mr. Burnett's legs are severely swollen. He was seen by a Doctor who advised that Mr. Burnett should not be wearing an ankle monitor at this time due to the swelling. He provided the defendant with a medical note which was sent to us for verification purposes.

Presently, he does not have the ankle monitor on however, USPO Rennie advised that she has contacted him sporadically to ensure he remains at his residence.

According to USPO Rennie, the defendant remains in full compliance with conditions and she recommends that the condition of curfew enforced by location monitoring be removed.

Please advise how you wish to proceed with this matter.

Ashley L. Cosme

Intensive Supervision Officer

U.S. Pretrial Services, SDNY

(212) 805-4319

